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**MINUTES TO  
BE APPROVED**

**MINUTES OF THE CITY OF WEST JORDAN  
CITY COUNCIL MEETING**

**Wednesday, May 14, 2014**

**6:00 p.m.**

**Council Chambers**

**8000 South Redwood Road**

**West Jordan, Utah 84088**

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**COUNCIL:** Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, Ben Southworth, and Justin D. Stoker arrived at 5:05 p.m.

**STAFF:** Richard L. Davis, City Manager; Jeffrey Robinson, City Attorney; Bryce Haderlie, Deputy City Manager; Melanie Briggs, City Clerk; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Reed Scharman, Deputy Fire Chief; Wendell Rigby, Public Works Director; Doug Diamond, Police Chief; Julie Brown, Event Coordinator; Chuck Tarver, Grant Coordinator; Greg Mikolash, City Planner; Ray McCandless, Senior Planner; Larry Gardner, Senior Planner; Dave Murphy, Capital Facility Manager; Craig Frisbee, Utilities Manager; Eric Okerlund, Budget Officer, and Steve Glain, Assistant to the City Manager.

**I. CALL TO ORDER**

Mayor Rolfe called the meeting to order at 5:00 p.m.

**II. CLOSED SESSION**

**DISCUSS PERSONNEL ISSUE, AND PENDING OR IMMINENT  
LITIGATION**

**COUNCIL:** Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, and Ben Southworth. Council Member Justin D. Stoker arrived at 5:05 p.m.

**STAFF:** Richard L. Davis, City Manager, Jeffrey Robinson, City Attorney; Stuart Williams, Deputy City Attorney; Robert Thorup, Deputy City Attorney; Tom Burdett, Development Director, and Greg Mikolash, City Planner

**MOTION:** Councilmember Nichols moved to go into a Closed Session to discuss the personnel issues, and pending or imminent litigation. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

**Councilmember Haaga**

**Yes**

<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Absent</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 6-0.**

The Council convened into a Closed Session to discuss the personnel issues, and pending or imminent litigation at 5:01 p.m.

Councilmember Stoker arrived at 5:05 p.m.

The Council recessed the Closed Session at 6:10 p.m.

The meeting reconvened at 6:18 p.m.

### ***III. PLEDGE OF ALLEGIANCE***

The Pledge of Allegiance was led by Chuck Tarver.

### ***IV. PRESENTATION***

#### **PRESENTATION BY ACE DISPOSAL TO THE CITY OF \$12,000 FOR RECYCLING EDUCATION AND ADDITIONAL FUNDS AS A RECYCLING REBATE FIRE DEPARTMENT BADGE PINNING**

Wendell Rigby updated the Council regarding the Solid Waste Contact.

- Ace Service provider since 1986
- West Jordan was a pioneer regarding solid waste, curbside recycling, and green waste
- New proposal for Ace Disposal was to utilize compressed natural gas-powered trucks, which reduced emissions within the City, and limited the fuel surcharges.
- Goal was to increase the amount of recyclables
- ACE Disposal would be presenting a check for \$12,000 on an annual basis to help facilitation recycling, education, and coordination of the efforts
- ACE Disposal would be presenting a check for \$57,476 as a recycling rebate

Dawn Beagley, ACE Disposal representative, felt there needed to be more recycling education. She presented the Council with the two checks: First Check - \$12,000, and Second Check - \$57,476

**RECOGNITION OF DEDICATED VOLUNTEERS PARTICIPATING  
DURING THE COMCAST CARES DAY HELD, SATURDAY APRIL 26,  
2014**

Julie Brown announced that volunteers from Comcast Cares Day were in attendance so they could be recognized by the City Council for their participation in the "I Love West Jordan Days" and "Comcast Cares Day." She reported that approximately 3,000 volunteers participated. She reviewed all of the projects performed during this time.

Julie Brown introduced the following Comcast Team Members:

- Taylor Jensen
- Jeff Cortes
- Ryan Jensen
- Andy Van Den Akker
- Chancy Richards
- Larry Cowlshaw
- Marcus Buie
- Ray Child

Mayor Rolfe expressed his appreciation to Comcast and all of the volunteers for their help.

**RECOGNITION OF POLICE OFFICERS WHO RECEIVED THE PURPLE  
HEART COMMENDATIONS**

Chief Doug Diamond said two Purple Heart Commendations were given to Police Officers Gus Andreen and David Horowitz.

He reported that on April 3, 2014, Officers Gus Andreen and David Horowitz responded to the report of a domestic violence complaint. In this case the suspect was in violation of his protective order by being at the home, and was yelling at the victims when the call to 911 was made. The officers arrived at the home and quickly determined that an arrest needed to be made.

When the officers made contact with the suspect he quickly walked outside the home and attempted to leave. Officer Horowitz challenged him verbally and advised him he was not free to leave, at which time the suspect made it clear that he was going to leave anyway. When the officers took steps to prevent his leaving the suspect became increasingly agitated and then physically violent toward the officers. The suspect came at Officer Andreen with a closed fist in such a threatening manner that Andreen opted to use his Taser. When the Taser was presented the suspect openly challenged Officer Andreen to "Tase" him, which ultimately occurred. Unfortunately, the Taser deployment did not work as intended and the suspect became actively violent with the officers. While attempting to take him into custody, the suspect began to throw punches and attempted to put Officer Andreen into a headlock. The officers struggled to take the suspect into custody as the violence of the resistance continued to increase. At one point the suspect bit Officer Andreen on the inner thigh to the extent that Andreen thought the suspect was

literally tearing his flesh. While this was occurring, Officer Horowitz was delivering knee strikes which eventually compelled the suspect to release his bite. But the suspect then turned his aggression toward Horowitz. The suspect ended up on top of Horowitz while he was face down on the ground. He had Horowitz in somewhat of a chokehold while Andreen was attempting to get the suspect off of him. Andreen deployed pepper spray, which did not immediately work. He then found his Taser on the ground and used it to drive-stun the suspect, which finally subdued him. At this point other officers arrived and the suspect was taken into custody.

Officer Gus Andreen sustained a serious bite to the inner thigh area of his right leg. The bite was severe and had broken the skin. Officer Andreen also sustained several scrapes and contusions on his body.

Officer David Horowitz sustained a broken nose, and a severe laceration to the lower bridge area of his nose. He also sustained a bite to the top of his head, as well as multiple scrapes and bruises to his body.

For receiving serious wounds while bravely performing their duty and protecting this community, Officers Gus Andreen and David Horowitz were each awarded the Purple Heart Medal.

The Council and those in attendance expressed their appreciation for the Officers dedication.

#### ***V. COMMUNICATIONS*** **CITY MANAGER COMMENTS/REPORTS**

Richard L Davis-

- Addressed the status of the Fire Station #54 reconstruction, and that the costs were still approximately \$165,000.00 over the originally approved amount. Staff had reduced the cost significantly; however, they desired to have the additional funding approved in order to keep the tower in the construction. He said this building would be used not only as a Fire Station, but a community meeting space, police substation, and training facility.

#### **STAFF COMMENTS/REPORTS**

Bryce Haderlie-

- Updated the Council on the upcoming events during the next few weeks.

Jeff Robinson

- Updated the Council on the recent training the City Attorney and all Deputy Attorney's attending during last week.

Tom Burdett-

- Updated the Council on the status of the City Center project

- Stated the proposed CDA for the Gardner Village area was on hold due to the property owner request.
- Updated the Council on the Jordan Valley (Bangerter Station) TOD

Reed Scharman -

- Reported to the Council that three new Fire Fighters would be starting on May 27, 2014
- A check was received from Liberty Mutual for \$1,500 for the Fire Mark Award which was presented to Jared Montgomery and Chris Trevino

Wendell Rigby -

- Updated the Council on the construction status of the Ron Wood Phase II project
- Updated the Council on the 9000 South Pedestrian Tunnel

Doug Diamond -

- Reminded the Council of the Law Enforcement Special Olympics Torch Run on Tuesday, May 20
- Announced a Police Officer retirement of Tim Magnuson
- Two resignations from support staff
- Police testing was scheduled for June 28

#### **CITY COUNCIL COMMENTS/REPORTS**

Councilmember Stoker -

- Addressed the ribbon cutting scheduled for Friday afternoon, May 30. He requested to reschedule the event to Saturday.

The Council and staff discussed at length the options or possibilities of moving the Ribbon Cutting from Friday to Saturday. The majority of the Council was in favor of keeping the current schedule.

Councilmember Nichols -

- Updated the Council on the meeting that was held earlier in the day at Brigham City regarding their airport and possibilities for the South Valley Regional Airport.

Councilmember Haaga -

- Agreed with Councilmember Nichols regarding the airport and the visit at Brigham City.

#### **VI. CITIZEN COMMENTS**

Alexandra Eframo, West Jordan resident, spoke on behalf of Seleny Crosby who was struck by a Jordan School District school bus in South Jordan.

She suggested that the City Council consider having prayer before City Council meetings.

Letizia Wetzel, West Jordan resident, addressed the reconsideration of The Station at Gardner Mill. She supported the earlier decision made by the City Council to deny the currently proposed plan.

Aleen Smith, West Jordan resident, commented on the proposed rezone for the property located at approximately 7292 South Redwood Road, Amara Court Townhomes. She spoke in favor of the rezone and asked the Council to approve the project.

Daniel Griffee, West Jordan resident, felt that the Amara Court Townhomes would be a good infill project.

Lucinda Webb, West Jordan resident, said West Jordan had enough multi-family units and was in favor of a moratorium on multi-family housing.

She said regarding the Station at Gardner Mill, she believed that this project did not meet the areas of the Planned Community criteria. She stated that this would not be a benefit to the surrounding community.

Ronald Parsons, West Jordan resident, urged the Council to stick with their previous decision regarding The Station at Gardner Mill.

Lesa Bridge, representing Smith's Food and Drug, and also a Planning Commission member, addressed the temporary closure of 7800 South. She felt the Smith's Grand Opening would be affected, if the road was still under construction.

There was no one else who wished to speak.

## **VII. CONSENT ITEMS**

- 7.a Approve the minutes of April 23, 2014, and April 30, 2014 as presented**
- 7.b Approve Resolution 14-82, confirming the City Council appointment of members to serve on the various Committees**
- 7.c Approve service in lieu of fees for Ute Football, fall season in Constitution Park**
- 7.d Approve Resolution 14-83, regarding a request from the American Cancer Society Relay for Life for use of the Veteran's Memorial Park July 4, 2014, for their 'Relay for Life' race event**
- 7.e Approve funding from the Council Contingency for the 2014 West Jordan City Parade Float, in an amount not to exceed \$17,000.00**

- 7.f Approve Resolution 14-84, authorizing staff to proceed with a Purchase Order with Asphalt Materials, Inc., for asphalt for Public Works in-house overlay project, in an amount not to exceed \$714,000.00
- 7.g Approve Ordinance 14-16, amending the 2009 West Jordan Municipal Code Title 9, Chapter 5, "Culinary Water," amending backflow and cross-connection control provisions and other minor revisions
- 7.h Approve Resolution 14-85, authorizing the Mayor to execute the Local Government Contract Modification to increase funding by \$29,999.04 for Construction Engineering Management for the 7800 South & Airport Road Intersection Project, for an amount not to exceed \$148,181.67
- 7.i Approve Resolution 14-86, authorizing the Mayor to make a formal request to Salt Lake County for the naming of a road in Ron Wood Park
- 7.j Approve Resolution 14-87, authorizing the Mayor to execute a landscape maintenance contract with Hallmark Landscaping LLC for maintenance of city water facility sites, water reservoirs, pump station and well sites, in an amount not to exceed \$22,900.00
- 7.k Approve Resolution 14-88, authorizing the Mayor to execute a contract with Rob Jolley for lobbyist services in an amount not to exceed \$50,000.00

The Council pulled Consent Items 7.c, d, & e for further discussion.

**MOTION:** Councilmember Nichols moved to approve Consent Items 7a and b, and f through k. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.



# **VIII. PUBLIC HEARING**

## **RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL THE FY 2014-2015 (40<sup>TH</sup> YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT, HOME AND PROGRAMS INCOME FUNDS**

Chuck Tarver said the City of West Jordan received an annual allocation of funds from the Department of Housing & Urban Development under the Community Development Block Grant Program. These funds were allocated annually to provide services to the low and moderate-income residents of West Jordan. Under this program, 15% (\$80,123) can be allocated to public service agencies, 20% (\$106,832) for program administration, and the remaining 65% (\$347,204) toward housing, public facilities and payment of the City's Section "108" loan.

Proposals for providing these programs and services under the CDBG program were submitted to the City during December 2013. Once the requests had been reviewed by staff, then the CDBG/HOME Committee met to hear presentations by the agencies and make funding recommendations to the City Council. A list of these requests and recommendations were shown in the following table:

**FY 2014/2015 CDBG REQUESTS**

Agency	Program	FY2014-2015 Funding Request	Recommended FY 2014-2015 Funding
South Valley Sanctuary	Bilingual Case Manager At Shelter & WJ Resource Center	\$15,000	\$15,000
Legal Aid Society of Salt Lake	Legal Assistance Program	\$12,000	\$12,000
Family Support Center	Crisis Nursery Program	\$7,000	\$6,500
The Road Home	Homeless Shelter Operations	\$15,000	\$12,000
Community Action Program	South Valley Emergency Food Pantry	\$6,000	\$6,000
Community Health Centers	Dental Services	\$5,000	\$5,000
Boys & Girls Club of South Valley	Heartland Elementary After-School Program	\$10,500	\$10,500
YWCA	Crisis Shelter Housing & Counseling	\$6,000	\$6,000
Big Brothers Big Sisters	AT-RISK Youth Mentoring Program	\$10,000	\$7,122
Wasatch Front Regional Council	Planning & Coordination	\$2,376	\$2,376
City of West Jordan	CDBG Program Administration	\$104,453	\$104,453
ASSIST	Emergency Home Repair	\$80,000	\$80,000
South Valley Sanctuary	Shelter Hot Water Lines and Heater Replacement	\$8,500	\$8,500
City of West	Section "108" Loan Payment	\$151,879	\$151,879

Jordan			
City of West Jordan	Housing Rehabilitation Loan	\$50,000	\$1,829 \$40,000-RL
City of West Jordan	Homebuyer Assistance	\$100,000	\$100,000
City of West Jordan	ADA Ramps	\$113,436	\$113,436-Prior
City of West Jordan	Economic Development Revolving Loan Program	\$50,000	\$50,000-Prior
City of West Jordan	Contingency Fund	\$5,000	\$5,000

**FUNDING SOURCES:**

**CDBG Allocation:** \$534,159  
**CDBG Revolving Loan** \$ 40,000  
**Prior Year CDBG Funds** \$163,436  
**TOTAL AVAILBLE:** \$737,595

**FY 2013/2014 COMMITTEE MEMBERS**

Member	Representing	Contact Info
Jeff Haaga	West Jordan City Council	(801) 569-5105
Julie Davis	West Jordan Resident	(801) 569-5066
Cheryl Brown	West Jordan Resident	(801) 538-8729
Loretta Grundvig	West Jordan Resident	(801) 569-5183
David Pack	West Jordan Planning Commission	(801) 244-1926
David Zobell	Finance Department	(801) 569-5001
Jim Riding	Public Works Department	(801) 569-5096
Larry Gardner	Development Department	(801) 569-5011
Heather Royal	West Valley CDBG Manager	(801) 963-3280
Charles Tarver, Non-Voting	West Jordan CDBG Manager	(801) 569-5062

All funds were provided from the Community Development Block Grant and HOME Programs. No additional funds were required from the City.

Staff recommended approving the recommendations as presented for consideration by the CDBG/HOME Committee.

The following representatives from their respective organizations expressed their appreciation to the City for the support. Each agency representative provided a brief explanation of the support they provide:

- Karla Arroyo, Director for South Valley Sanctuary
- Cody Taylor, on behalf of Heartland Elementary Boys & Girls Club
- Mary Cranney, Legal Aid Society of Salt Lake

- Jessica Burnham, Road Home
- Britta Berkey, Big Brothers Big Sisters of Utah
- Sal Jamison, Salt Lake Community Action Program, Food Pantry
- Roger Borgenicht, Director of Assist
  - Emergency home repair program (low income)
  - Accessibility assessment and design
  - Aging in place (railings, grab bars, etc.)
- Laura Watts, Family Support Center
  - New crisis nursery

The Council and staff discussed clarifying questions.

Mayor Rolfe asked the amount of buy-in on the Economic Development revolving loan at the County level.

Chuck Tarver reviewed the different dollars amounts on the City-side. He said funds would be matched by American Express. But, an effort by the City would need to be made.

Mayor Rolfe opened the public hearing.

Alexandra Eframo, West Jordan resident, commented on her confusion regarding the decrease in some of the grant funds.

Chuck Tarver provided an explanation regarding the process guidelines for allocation of funding.

There was no one else who desired to speak. Mayor Rolfe closed the public hearing.

**MOTION:** Councilmember Haaga moved to approve the proposed funding recommendations of the West Jordan CDBG/HOME Committee for FY 2014-2015. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 14-17, REGARDING THE 'DECLARATION OF A  
DEVELOPMENT MORATORIUM ON MULTI-FAMILY HOUSING  
PROJECTS' FOR A TEMPORARY PERIOD, AS ALLOWED BY UTAH  
STATE CODE 10-9A-504**

Jeff Robinson said that following a discussion among the City Council and the Planning Commission at a joint meeting of April 30, 2014, the staff was directed to notice and submit a proposal for a moratorium on multi-family development in the City pending further study of (a) ways to control the type of development and (b) ways to incentivize high quality single-family residential development.

A list of projects which were vested had been provided to the Council previously and would not be subject to the moratorium.

Mayor Rolfe opened the public hearing.

Greg Simonsen, West Jordan resident, supported the moratorium. He asked the Council to look at bonus density provisions and possibly simplifying the calculations.

Alexandra Eframo, West Jordan resident, I am a little bit confused! She asked if the possible ratification of Colosmimo Brothers Preliminary Development Plan request would be affected by this proposed change.

There was no one else who desired to speak. Mayor Rolfe closed the public hearing.

**MOTION: Councilmember Stoker moved to approve Ordinance 14-17, establishing a temporary moratorium on acceptance and processing of multi-family housing development applications, with the exception of those applications that have pending rights with the City. The motion was seconded by Councilmember McConnehey.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

The motion passed 7-0.

**RECEIVE PUBLIC INPUT AND CONSIDER ORDINANCE 14-18,  
REGARDING A FUTURE LAND USE MAP AMENDMENT FOR**

**APPROXIMATELY 2.41 ACRES FROM MEDIUM DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL AND REZONE FROM R-1-8D (SINGLE-FAMILY RESIDENTIAL 8,000 SQUARE FOOT LOTS) ZONE TO SC-1 (NEIGHBORHOOD SHOPPING CENTER) ZONE, FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF 8600 SOUTH 5600 WEST, COPPER VALLEY COMMERCIAL, PERRY HOMES UTAH, INC./JEFFERY TAYLOR, APPLICANT**

Larry Gardner said the as part of the improvements associated with the Mountain View Corridor, New Bingham Highway was abandoned from 5600 West to 9000 South. This abandonment facilitated the realignment of the New Bingham Highway/5600 West intersection; moving the intersection from approximately 8700 South to 8600 South. This realignment helped the future road network for this section of the city by creating a more typical east-west/north-south grid.

The road realignment in this area places the subject property on the northwest corner of an Arterial Road (5600 West) and a future Collector Road (8600 South), this making the location less attractive for homes and more attractive for commercial development. The applicant was proposing a land use map and zoning map amendments that would align with the most desirable future land use of this corner.

On April 15, 2014, the Planning Commission reviewed this request and unanimously (7-0 vote) recommended that the Future Land Use Map amendment and rezoning request be approved by the City Council.

**GENERAL INFORMATION & ANALYSIS**

The subject property's surrounding zoning and land uses were as follows:

	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Medium Density Residential	R-1-8D	Vacant
<b>South</b>	High Density Residential (across 8600 South)	HFR	Vacant
<b>East</b>	Low Density Residential (across 5600 West)	R-1-12E	Single-family Residential
<b>West</b>	Medium Density Residential(across Mountain View corridor)	LSFR	Vacant

The applicant was requesting two map amendments. The first was an amendment to the Future Land Use Map from Medium Density Residential to Neighborhood Commercial; the second change was an amendment to the Zoning Map from R-1-8D to SC-1. Both amendments occupy the same 2.41-acre piece of property, on the northwest corner of 5600 West 8600 South.

The applicant had submitted a concept subdivision plan that showed how the 2.41-acre piece of property could possibly be used as a site for a convenience store and gas station.

If the City Council approved the rezone, the applicant must also receive subdivision and site plan approval from the Planning Commission prior to the construction of any development. Those reviews would give the Commission the opportunity to review a more detailed plan of the commercial design.

## **FINDINGS OF FACT**

### **Section 13-7C-6: Amendments to the Land Use Map**

According to City Code, Section 13-7C-6), any amendments to the general plan, including maps, shall be approved only if the following are met.

**Finding A:** *The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.*

**Discussion:** The applicant was proposing to amend the Future Land Use Map from Medium Density Residential to Neighborhood Commercial. The General Plan stated:

*"The Neighborhood Commercial designation is applied to areas in which the primary use of the land is for commercial and service functions that serve the daily convenience needs of a surrounding residential neighborhood. The services provided in these districts will normally serve a trade area population up to 10,000 people. This type of commercial use is intended to be located near or within neighborhoods and to be integrated into the residential structure of a neighborhood in a manner that will create a minimum impact on surrounding residential development. Each neighborhood shopping node shall be relatively small in size and may include such uses as small convenience grocery stores, variety stores, bakeries, professional service shops, restaurants, self-service laundries, and barber or beauty shops."*

Commercial Goal 2, Policy 1 stated, *"Continue to implement the policy of limiting commercial centers to "nodes" located at the intersections of major arterial streets or, in the case of neighborhood commercial centers, at designated locations within large planned residential communities."*

Due to the relocation of the intersection of 5600 West 8600 South, the property was now located at an intersection of a planned arterial and collector road. The size of the property (2.41 acres) was large enough to support small service-oriented, commercial businesses, without being too large to attract larger commercial businesses that could negatively impact adjacent residential uses. The uses that would be allowed at this location include general retail stores e.g., apparel stores, antique shops, art and hobby supply stores, bicycle shops, bookstores, clothing rental stores, department stores, discount stores, drugstores, electronic appliance stores,

florists, food stores, furniture and appliance stores, gift and novelty shops, glass and mirror shops, hardware stores, jewelry stores, medical supply stores, music stores, optical retail sales, paint stores, pet stores, photocopying and blueprinting shops, photography supply stores, record, tape and video stores, sporting goods stores, toy stores, and variety stores. Gasoline service stations were allowed in the SC-1 zone, but car washes were not allowed. The commercial uses would also be buffered as required by City code to lessen the impacts between incompatible uses when the commercial site is developed. The buffering included a minimum of twenty feet of landscaping, with the inclusion of a sufficient number of trees to block both visual and auditory impacts. A solid wall would also be installed between the residential zone and the commercial zone as part of the subdivision process.

The General Plan Goal 1 Policy 2 Implementation measure (3) stated: *"Maintain established minimum distances from intersections for driveway locations on all city streets."*

The intersections into the commercial property do not meet the minimum distance requirements of City Standards. Each intersection was short 100 feet from the proposed intersection of 5600 West and the proposed 8600 South collector street. However, the reduced distance could be mitigated by measures such as, right in/right out only access to the property and by the installation of curb islands in 5600 West and 8600 South as the property was developed. These measures would insure the safety of both 5600 West and the proposed 8600 South streets.

The General Plan Goal 1 Policy 3 stated: *"Maintain a minimum level of service "C" on collector streets and a level of service "D" on arterial streets."*

A traffic impact study submitted by the applicant determined that both the future residential development and commercial development of 2.41 acres would not impact the roads in a way that would require traffic mitigations. The study determined that both streets would maintain a level of service "A" after the development was constructed. Included in the Council's agenda packet were both the executive summary of the traffic impact study and a memo from the City's Traffic Engineer.

**Finding:** The proposed amendment conformed to and was consistent with the adopted goals, objectives, and policies set forth in the City General Plan.

**Finding B:** *The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change*

***proposed in the amendment.***

**Discussion:** The Neighborhood Commercial designation was commonly found at the intersections of Arterial and collector roads. A commercial use is a higher and better use on a busy corner than residential use would be. Neighborhood Commercial was not currently found at this intersection because the road realignment took place approximately a year and a half ago. Amending the Future Land Use Map to reflect the changes to the road network appeared to be in alignment with the established development pattern of the City.

**Finding:** The development pattern contained on the land use plan inadequately provided the appropriate optional sites for the use and/or change proposed in the amendment.

***Finding C: The proposed amendment would be compatible with other land uses, existing or planned, in the vicinity.***

**Discussion:** The Neighborhood Commercial land use was designed to provide unobtrusive commercial services to adjacent and nearby residential land uses. Placing two-acres of Neighborhood Commercial on the corner of two higher capacity roads would provide convenient commercial services to existing and future residential developments planned for the area. Through various types of installations and treatments as described in Finding A, the commercial uses can be sufficiently mitigated to lessen the impacts to residential uses in the area.

**Finding:** The proposed amendment would be compatible with other land uses, existing or planned, in the vicinity.

***Finding D: The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.***

**Discussion:** The applicant would directly benefit from approval of the proposed amendment; however, the amendment allowed for a better use of property that would be located at the intersection of two high volume roads, because of the road realignment. The strategic placement of needed commercial uses close to residents would cut down on unnecessary travel trips cutting down on fuel waste and air pollution.

**Finding:** The proposed amendment constitutes an overall improvement to the adopted general land use map and was not solely for the good or benefit of a particular person or entity.



**Finding E:** *The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.*

**Discussion:** Most of the time a change in land uses required alterations to public infrastructure. The opposite was true in this case as the proposed amendment to the land use is a reaction to the changes already made, and that were proposed, to the public infrastructure.

The General Plan Goal 1 Policy 2 Implementation measure (3) stated: *"Maintain established minimum distances from intersections for driveway locations on all city streets."*

The General Plan Goal 1 Policy 3 stated: *"Maintain a minimum level of service "C" on collector streets and a level of service "D" on arterial streets."*

Finding A" addressed both issues.

It was determined at the pre-application meeting that the existing public safety, sewer, water and storm water facilities were adequate to handle the installation of 2.41 acres of commercial development without requiring the addition of expensive improvements.

**Finding:** The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

**Finding F:** *The proposed amendment was consistent with other adopted plans, codes and ordinances.*

**Discussion:** The amendment was reviewed for consistency against the City's General Plan, the zoning ordinance and adopted street design standards.

**Finding:** The Land Use Map amendment was consistent with the plans, ordinances and standards if the use was mitigated as outlined in Findings A, C, and E of this report.

### **Section 13-7D-7(A): Amendments to the Zoning Map**

According to City Code, Section 13-7D-7(A), the following shall be met in approving any amendments to the Zoning Map.

**Criteria 1:** *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.*

**Discussion:** See the Future Land Use Map amendment, Finding A, and Finding E.

**Finding:** The proposed rezone was consistent with the purposes, goals, objectives and policies of the City's General Plan.

**Criteria 2:** *The proposed amendment would result in compatible land use relationships and does not adversely affect adjacent properties.*

**Discussion:** The SC-1 zone was intended to provide commercial uses in close proximity to and that are compatible with residential uses.

*"SC-1 Zone: The neighborhood shopping center (SC-1) zone is established to provide an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The SC-1 zone is intended to be located within neighborhood areas and to be integrated into the residential structure of a neighborhood in a manner that will create a minimum of detriment, hazard or inconvenience to surrounding residential development. Each neighborhood shopping center zone will be small. It is intended that the SC-1 zone shall be characterized by a harmonious grouping of commercial stores and shops that will be architecturally designed, and will function, as an integrated unit. The architectural design and character should also be compatible with that of the surrounding residential environment. Clean, well-lighted parking lots and attractive well-maintained shops with appropriate landscaping will also be characteristic of this zone. Lighting will be of a relatively low intensity and low profile with adequate shielding to protect surrounding residential areas. Uses permitted within the SC-1 zone will be those which will create no detriment to the surrounding residential areas, and will generally serve only the daily convenience needs of the residential neighborhood. Dwellings, industries, recreational uses, or other heavy commercial uses that tend to thwart and discourage the use of the land within this zone for its primary purpose have been excluded. Typical uses allowed in this zone are small convenience grocery stores, variety stores, shoe shops, dry cleaning pick up stations, self-service laundries, and barber or beauty shops."*

Placing two-acres of Neighborhood Commercial on the corner of two higher capacity roads would provide convenient commercial services to existing and future residential developments planned for the area. Through various types of installations and treatments the commercial uses can be sufficiently mitigated to lessen the impacts to residential uses in the area. The buffering included a minimum of twenty-feet of landscaping, the inclusion of a sufficient number of trees to block both visual and auditory impacts. A solid wall would also be installed between the residential zone and the commercial zone as part of the subdivision process. Commercial uses allowed in the SC-1 zone tend to be small, less obtrusive uses. The uses that would be allowed at this location include general retail stores e.g., apparel stores, antique shops, art and hobby supply stores, bicycle shops, bookstores, clothing rental stores, department stores, discount stores, drugstores, electronic appliance stores, florists, food stores, furniture and appliance stores, gift and novelty shops, glass and mirror shops, hardware stores, jewelry stores, medical supply stores, music stores, optical retail sales, paint stores, pet stores, photocopying and blueprinting shops, photography supply stores, record, tape and video stores, sporting goods stores, toy stores, and variety stores. Gasoline service stations were allowed in the SC-1 zone but car washes are not allowed showing that the more impactful uses to residents were not allowed.

**Finding:** The proposed rezone would result in compatible land use relationships and does not adversely affect adjacent properties.

**Criteria 3:** *The proposed amendment furthered the public health, safety and general welfare of the citizens of the City.*

**Discussion:** The proposed SC-1 zone would facilitate small-scale commercial services that will serve the existing and future residential development in the area. Small nodes of commercial areas strategically placed throughout the City assist to increase the general welfare of the City, particularly the neighborhood it serves. Well-placed commercial can also help preserve fuel and reduce air pollution. When the commercial project was developed access to the property from 5600 West or 8600 South Street will be limited to an alternative type access, such as right in, right-out and the installation of street islands, to maintain safety along the arterial and collector streets.

**Finding:** The proposed rezone furthered the public health, safety and general welfare of the citizens of the City.

**Criteria 4:** *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change,*

*such as, but not limited to, police and fire protection, water, sewer and roadways.*

**Discussion:** See Future Land Use Map amendment Criterion E.

**Finding:** The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

**Criteria 5:** *The proposed amendment was consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

**Discussion:** The property was not located within any overlay zone.

**Finding:** This criterion does not apply.

The proposed Future Land Use Map amendment and rezone of approximately 2.41 acres of property to the SC-1 zoning district was compatible with adjoining land uses and transportation system.

Staff recommended that the City Council amend the General Plan Future Land Use Map for 2.41 acres located at approximately 8600 South and 5600 West from Medium Density Residential to Neighborhood Commercial and Rezone 2.41 acres located at approximately 8600 South and 5600 West from R-1-8D (Single-family Residential 8,000 square foot lots) to the SC-1 (Neighborhood Shopping Center) Zone.

On April 15, 2014, the Planning Commission by a unanimous vote recommended that the City Council approve the request to amend the General Plan Future Land Use Map for 2.41 acres located at approximately 8600 South and 5600 West from Medium Density Residential to Neighborhood Commercial and Rezone 2.41 acres located at approximately 8600 South and 5600 West from R-1-8D (Single-family Residential 8,000 square foot lots) to the SC-1 (Neighborhood Shopping Center) Zone.

Mayor Rolfe opened the public hearing.

Jeff Taylor, Perry Homes, provided a brief explanation of the proposed development.

There was no one else who desired to speak. Mayor Rolfe closed the public hearing.

The Council and staff discussed clarifying questions.

**MOTION:** Councilmember Southworth moved that the City Council approve Ordinance 14-18, amending the General Plan Future Land Use Map for 2.41 acres located at approximately 8600 South and 5600 West from Medium Density Residential to Neighborhood Commercial and Rezone 2.41 acres located at approximately 8600 South and 5600 West from R-1-8D (Single-family Residential 8,000 square foot lots) to the SC-1 (Neighborhood Shopping Center) Zone. The motion was seconded by Councilmember Stoker.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

#### **IX. BUSINESS ITEMS**

##### **CONSENT ITEM 7C.**

##### **APPROVE SERVICE IN LIEU OF FEES FOR UTE FOOTBALL, FALL SEASON IN CONSTITUTION PARK**

Bryce Haderlie reported that the Ute Conference was requesting use of both a concession stand and a storage shed. Their request to provide service in lieu of fees included the concession stand short season reservation fee of \$800.00 from the City's fee schedule. In addition, the Ute Conference would like to store equipment, etc. in the City's concession stand and storage shed year-round without cost.

##### Short Season Reservation Fee

West Jordan City Facility Use Policy: Page 16 Section H:

*Service in Lieu of Fees. Reservation fees may be credited for civic volunteer labor hours as approved by the City Council. All fees other than reservation fees (i.e. overtime, additional services, and security, cleaning) will still be charged on a time and materials basis or as otherwise adopted in the Fee Schedule. Civic volunteer labor is coordinated through the Department. The service provided may include maintenance to City Parks and City Parks Amenities and all services must be approved in advance. Interest in providing service in lieu of fees should be expressed at the time the application is submitted to the Department. A separate contract and approval is required; no verbal agreements will be honored.*

Legally, the purpose of the service in lieu of fees program was to provide a "value-for-

value” exchange. The policy recognized that services, which “may include maintenance to City Parks and City Parks Amenities,” have value, and reservation fees were reduced by the value of services provided. The value of services was based on the City cost avoided by eliminating City staff’s need to perform the services.

The Ute Conference request does not identify any maintenance services for City Parks or City Parks Amenities, and it does not eliminate any City staff need or cost related to providing parks services. Therefore, City staff recommended that the request be denied and the Ute Conference be required to pay the \$800.00 reservation fee for the concession stand.

#### Storage

The current Facility Use Policy does not allow storage and required everything to be removed from City property between seasons, so the storage request was not applicable with our current policy. Nonetheless, based on the Facility Use Policy paragraph above, which stated, “*Reservation fees* may be credited . . .” Also based on the discussion above, City staff does not believe that the proposal offers the type of service that would be required to offset any fees. For these reasons, staff recommended that the service in lieu of fees request be denied.

Staff would be returning to Council with information and looking for direction regarding storing equipment in and on City property. At that time staff would explain the legal effects of lease agreements and look at customary values.

As additional background information, because cities are prohibited by State law from gifting government property, City staff had researched the cost of leasing storage space. The costs shown below for monthly storage lease of the concession stand and storage shed were based on market rates found in that research. City staff approached the leagues to gauge their level of interest in leasing storage if it were allowed at market rates. Staff solicited the league’s input in January 2014. Staff did not receive any responses. With no responses, staff had not pursued any policy change. If City Council would like to review the policy on storage of equipment, staff could present comprehensive information at a later date, but it does not appear at this time that it would affect this Ute Conference request for service in lieu of fees.

#### Estimated Cost and Value:

Concession Stand Short Season Cost: \$800.00

Concession Stand Estimated Monthly Lease Fee: \$161.50

November – July (9 months) =  $9 \times \$161.50 = \$1,453.50$

Shed Storage Estimated Monthly Lease Fee: \$80.00

Yearly (12 months) =  $12 \times \$80 = \$960.00$

\$ 800.00  
+ 1453.50

Total Estimated Yearly Cost:                   + 960.00  
\$ 3,213.50

In Lieu Value:

Services listed do not reduce staffing services.

Councilmember Southworth asked whether a different proposal could be considered.

Bryce Haderlie indicated that staff attempted to inform the applicant(s) that this was not in accordance with City policies.

Jeff Robinson clarified that this was not just contrary to our policy, but it would be an illegal transaction.

Councilmember Stoker said that in reviewing the request it appeared that no services were being provided in lieu of fees.

Councilmember McConnehey voiced his concerns.

The Council directed staff to work with the organization to provide better conformance to the City policy.

**CONSENT ITEM 7D.**

**APPROVE RESOLUTION 14-83, REGARDING A REQUEST FROM THE AMERICAN CANCER SOCIETY RELAY FOR LIFE FOR USE OF THE VETERAN'S MEMORIAL PARK JULY 4, 2014, FOR THEIR 'RELAY FOR LIFE' RACE EVENT**

Bryce Haderlie said for the sixth year, the American Cancer Society would like to hold their Relay for Life in Veterans Memorial Park. The Relay for Life Event Chair was requesting park fees as a value for value exchange for City fees associated with the event. The nature of the event required a park variance for participants to walk/run in the park throughout the night. This year they were requesting to use the park July 4-5.

Fees for park use would be the \$500 deposit and pavilion rental of \$600.00. Equivalent to fees they would perform park clean up prior, during, and after their event and include the City of West Jordan and Veterans Memorial Park in all their marketing efforts.

Staff had concluded that the in lieu of fees and value for value met the City criteria but does not recommend the July 4<sup>th</sup> date.

Councilmember Stoker questioned how much of the park would be used for the relay activities.

Councilmember Southworth suggested the use of another regional park.

Bryce Haderlie reminded the Council that the City's emergency personnel were on high alert during the holiday period.

Councilmember McConnehey briefly commented on the Event Agreement: 3.0 Host's Responsibilities 3.1(c): No charge to Relay for police and public works personnel of the Host who will provide services to the Event. He asked to see this information incorporated in the total costs. So that we the City could identify the value of what would be provided to the requester.

**MOTION:** Councilmember Southworth moved to direct staff to work with the American Cancer Society Relay for Life to find an alternative date, and express the Council's desire to have them here in our community; and that the service in lieu of fee is acceptable with the one exception that the Council would like to see a detailed breakdown of the Police and Public Works service costs, and to be included with the proposal when it was brought back to the Council for consideration. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

**CONSENT ITEM 7E.**

**APPROVE FUNDING FROM THE COUNCIL CONTINGENCY FOR THE 2014 WEST JORDAN CITY PARADE FLOAT, IN AN AMOUNT NOT TO EXCEED \$17,000.00**

Bryce Haderlie said three local companies had been contacted and could provide the City with a theme parade float by July 4, 2014.

The theme of the float would match the City's new branding campaign and include the new logo and color scheme. We probably would not have the float in time for the June 4, 2014 parade in South Jordan, but staff felt confident that we could enter the West Jordan float in all of the following parades:

June 21	Herriman
June 28	Taylorsville
July 3	Riverton



July 4           Murray  
July 4           West Jordan (host)  
July 4           Sandy  
July 19          Draper  
July 23          Days of '47 Float Preview  
July 24          Days of '47  
July 24          Cottonwood Heights

Quotes were solicited not to exceed \$15,000 and an additional \$2,000 for staffing and float character stipends.

Two companies responded to the request to create a float for the City.

Staff was looking for direction from the Council.

Councilmember Southworth and Stoker were opposed to having the float.

Mayor Rolfe and Councilmember's Haaga and Nichols were in favor of the float.

Councilmember McConnehey said the Fire Engine could be used for the parade. He struggled with the dollar amount and felt these funds could be used towards a more worthwhile endeavor (playground upgrades, speed tables, etc.) He was not in favor of the float.

Councilmember Hansen agreed with Councilmember McConnehey and opposed purchasing a float.

Mayor Rolfe felt spending this money on a float could help elevate the perception of the City. He felt a float would boost the City, and let people know we are going to be the economic hub of Salt Lake County.

Councilmember Nichols felt this would send a message with positive results.

**MOTION: Councilmember Nichols moved to approve \$17,000.00 from Council Contingency in the current budget to be used for the 2014 West Jordan City Parade Float. The motion was seconded by Councilmember Haaga.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>No</b>
<b>Councilmember McConnehey</b>	<b>No</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>No</b>

<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 4-3.**

### **RECONSIDERATION OF ACTION TAKEN MAY 7, REGARDING THE STONE CREEK ASSESSMENT AREA**

Mayor Rolfe said when this item was heard on May 7, 2014 the public hearing portion of this item had been closed and could not be extended due to a failed vote of 3-3, but according to State law could be continued. He provided: State code – 11-42-204 (b) The continuance of a public hearing does not restart or extend the protest period described in Subsection 11-42-203(1).

The Council discussed their understanding of the law.

Jeff Robinson said neither the State Code nor the Municipal Code defined the definition of a public hearing. He indicated that if Council voted to reopen the public hearing, citizens could speak to the item.

The Council and staff discussed State Law and the City's Code. The Council was in agreement to continue with the Business item scheduled for May 28.

### **DISCUSSION AND REVIEW OF THE POLICE DEPARTMENTS HIRING PROCESS**

Doug Diamond provided a review of the Police Department's hiring process.

#### **WEST JORDAN - POLICE DEPARTMENT HIRING PROCESS**

**A Hiring Timeline was presented which showed timelines for the following items:**

- Field Training
- Academy
- Wait for Academy or State Field Training
- Drug Screen, Medical and Psych
- Job Offer
- Polygraph
- Conduct Background Investigation
- Give and Collect Background Packets
- Develop List
- Test
- Vet Application
- Advertise / Post
- Get Announcement Ready

- Vacancy

#### **Sworn Hiring**

- Vacancies September 2012 → 12
- Hired Since September 2012 → 23
  - Certified Hires → 4
  - Experienced Hires → 3
  - Non-certified Hires → 16
- Separations Since September 2012 → 11
  - New Hires Separated from service → 4
- Total Backgrounds Initiated → 76
  - Withdrew during background → 20
- Job Offers Extended → 24

**MOTION:** Councilmember Stoker moved to extend the meeting until 10:00 p.m. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.

#### **DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-89, AUTHORIZING THE A TEMPORARY CLOSURE OF 7800 SOUTH FROM 6100 WEST TO 5490 WEST, FROM JULY 7, 2014 TO AUGUST 29, 2014**

Dave Murphy said as previously awarded, this project was the second phase of 5600 West construction. In this phase of construction the Contractor would extend sewer and water service in 5600 West from 7600 South to 7000 South, construct 5600 West and 7800 South roadway improvements including curb, gutter, granular borrow, base, and asphalt as well as signal improvements. This contract would also include roundabout improvements, and a master planned regional storm water detention pond.

As per original contract, this project was intended to take 270 calendar days to complete. Notice to Proceed was given on February 25, 2014, yielding a completion date of November 21, 2014. Third party delays (Rocky Mountain Power, Zayo, Century Link) had pushed the schedule by five weeks into January 2015. Obviously this time of year is not ideal paving weather, so the completion of the work would be the following spring of 2015. Moreover, the Smith's development still intended to open around December 1, 2014, thereby causing conflicts in construction and completion of work for both the City and Smith's.

Staff had asked that Kilgore Contracting examine the possible methods required to accelerate their schedule, and they had proposed the following closure for 2 reasons:

1. A closure of two months would gain an overall schedule acceleration of 3 months. This acceleration allowed paving to be placed ahead of winter temperature paving

restrictions.

2. Safety – several lateral tie ins require crossing 7800 South in close proximity to traffic, which was an added danger to both the traveling public and to the Contractor's employees, and staff.

Staff would add the following reason as a benefit to the public and project:

3. Opening the road sooner would increase the economic benefit to the local residents and the City as a whole by allowing new commercial construction to accelerate their opening dates if the road is open sooner.
4. Reducing the time of construction benefits all parties in the overall time of delay. Knowing ahead of time which routes to use to get home allowed for certainty for the traveling public.
5. Two months closure time results in a 4-month reduction in the overall schedule.

The current construction schedule would extend into 2015, with traffic control devices in place throughout the entire winter without the closure. Emergency services (Police, Fire, and Ambulance) would be allowed through the closure, as required.

Staff reported that the ability to open Smith's corner development was dependent on this new schedule due to third party utility delays. Economic costs were not definable at this stage of the construction.

Staff recommended a temporary closure of 7800 South Street from 6100 West to 5490 West from July 7 to August 29, 2014 to accelerate 7800 South Street widening and reconstruction.

**MOTION: Councilmember Stoker moved to adopt Resolution 14-89, authorizing a temporary closure of 7800 South Street from 6100 West to 5490 West from July 7 to August 29, 2014 to accelerate 7800 South Street widening and reconstruction, and have staff review with Kilgore an appropriate dollar amount as an incentive to finish early. The motion was seconded by Councilmember Southworth.**

Councilmember McConnehey suggested that the City incentivize the contractor in order to speed up the project.

Councilmember Haaga spoke in favor of the motion.

Councilmember Nichols said there was support from residents in the Sycamores regarding the closure, but they had questions: Would there be other construction on 6200 South, New Bingham Hwy, or 9000 South during the same period of time during the closure?

Dave Murphy was not aware of any City projects, but was unaware of the schedules for Utah Department of Transportation (UDOT) or Mountain View Corridor.

Councilmember Nichols asked if the City's traffic engineer could be involved, so that traffic could be mitigated during the opening and closing of this roadway.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0.**

The Council recessed at 9:10 pm and reconvened at 9:15 pm

**DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 14-14, REGARDING REZONE OF APPROXIMATELY 2.78 ACRES FROM R-1-8A (SINGLE-FAMILY RESIDENTIAL 8,000 SQUARE FOOT MINIMUM LOTS) TO PRD(H) (PLANNED RESIDENTIAL DEVELOPMENT – HIGH DENSITY FOR AN ESTIMATED 21 UNITS) ZONE, FOR PROPERTY LOCATED AT 7292 SOUTH REDWOOD ROAD, AMARA COURT TOWNHOMES, FERRAN CONSTRUCTION/TROY FERRAN, APPLICANT**

Ray McCandless addressed the proposed rezone regarding the property located at approximately 7292 South Redwood Road. He said it contained 2.74 acres and was zoned R-1-8A. This property had an existing single-family dwelling on it that fronts onto Redwood Road. The rest of the property was vacant. The property was designated as High Density Residential on the City's Future Land Use Map.

On April 23, 2014, the City Council held a public hearing on this request. The item was tabled (in a 3-2 vote) to the March 14, 2014 City Council Meeting.

**GENERAL INFORMATION & ANALYSIS:**

This application was initially submitted with the intent to rezone the westernmost 2.41 acres of the subject property from an R-1-8A zoning district to PRD(H) to accommodate a proposed 21-unit town home development and to rezone the easternmost .33 acres from R-1-8A to PO (Professional Office) to allow the conversion of the existing home into an office. Upon conducting a redline review of the rezoning request, several concerns were raised with regards to zoning the front portion of the property to PO. Given these concerns, the applicant had requested that the entire property be rezoned to PRD (H) as stated in Exhibit H provided in the Council agenda packet. No change to the Future Land Use Map was needed as the PRD (H) zoning was consistent with the High Density Residential land use designation on the map. The existing home could be converted to

limited office or commercial use under the Redwood Road Overlay District. Ray McCandless said the staff report provided in the Council's agenda packet was written with the understanding that the entire property was proposed to be rezoned to PRD (H) and that no changes would be needed to the Future Land Use Map.

The applicant was also requesting approval of the Concept Development Plan that is required by the PRD zoning district. The concept plan showed 21 town homes with a gross density of 8.57 dwelling units per acre. The town homes were accessed by a private street that connected to Redwood Road. A community garden area and guest parking were also proposed. The layout and number of units of the development may change depending on the road configuration approved by the Engineering and Fire departments as part of the preliminary and final site plan and subdivision plan review. The Preliminary Development Plan would need to be reviewed by the Planning Commission and City Council in the future.

On March 18, 2014, the Planning Commission reviewed this request and in a (7-0 vote) recommended that the rezoning request and Concept Development Plan be approved by the City Council.

The property's surrounding zoning and land uses were as follows:

	Future Land Use	Zoning	Existing Land Use
North	High Density Residential	R-1-8A	Residential
South	Very High Density Residential / High Density Residential	R-3-20/R-1-8A	Residential
East	Low Density Residential	R-1-8C	Residential
West	Medium Density Residential / High Density Residential	R-1-8C and R-1-8A	Residential

#### **FINDINGS OF FACT**

According to City Code, Section 13-7D-7(A), the following shall be met in approving any amendments to the Zoning Map:

**Criteria 1:** *The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan.*

**Discussion:** The property was designated as *High Density Residential* on the City's Future Land Use Map with a density range of 5.1 to 10.0 dwelling units per acre. The proposed PRD (H) zone allowed a density of between 5.6 and 10.0 dwelling units per acre which was consistent with the density range shown on the Future Land Use Map. No changes to the Future Land Use Map were required to rezone the property to PRD (H). The applicant may or may not achieve the proposed density of 8.57

dwelling units per acre as shown in the Concept Development Plan depending on the buy-up density approved by the City Council.

City Code stated that the purpose of the planned residential development (PRD) zone was to “encourage imaginative, creative and efficient utilization of land by establishing development standards that provide design flexibility, allow integration of mutually compatible residential uses, and encourage consolidation of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than may be possible under the procedures and regulations of conventional zoning classifications. A planned residential development should also incorporate a common architectural design theme throughout the project that provides variety and architectural compatibility, as opposed to a development of individual, unrelated buildings located on separate, unrelated lots.”

The General Plan supported efficient residential development patterns that enhance established neighborhoods and creates new infill neighborhoods. It also encouraged infill development to be similar to existing adjacent residential development. The General Plan also supported a diversity of dwelling unit types and densities in residential areas.

Citywide, the General Plan recommended the ratio of single-family residential development to multi-family of 83/17. The General Plan stated: “In order to meet an 83/17 single family/multi-family housing ratio established by the General Plan, the city would need a total of 32,636 single-family units and 6,685 multi-family units, which will require construction of an additional 7,754 single-family units and 535 multi-family units by 2020...”

The General Plan stated that ‘the percentage of multi-family housing has increased slowly since 2000, climbing from 14% to 20% in 2010. The percentage of existing multiple-family housing as compared to the total housing stock is illustrated by the chart and graph below (Figure 4.3).’

Figure 4.3 Housing Type

Year	Single-family	Multi-family	Total	% Single-family	% Multi-family
2000 (Census)	19,531	2,789	22,230	87.5%	12.5%
2000	19,852	3,187	23,030	86.2%	13.8%

2001	20,238	3,380	23,609	85.7%	14.3%
2002	20,904	3,819	24,714	84.6%	15.4%
2003	22,125	4,474	26,590	83.2%	16.8%
2004	22,951	4,726	27,668	83.0%	17.0%
2005	23,811	4,878	28,680	83.0%	17.0%
2006	24,343	4,992	29,326	83.0%	17.0%
2007	24,505	5,295	29,800	82.2%	17.8%
2008	24,591	5,418	30,009	82.0%	18.0%
2009	24,732	5,832	30,562	80.9%	19.1%
2010	24,882	6,150	31,032	80.2%	19.8%

*Source: W.J. Building Permits; U.S. Census Bureau, 2000 Census*

Although the overall number of multi-family dwellings in the City was a consideration, the more important issue is whether this was an appropriate location for townhomes given the adjoining land uses proximity to Redwood Road and impacts to those uses.

Townhomes were a hybrid between single-family attached and multi-family housing. Townhomes were individually owned and generally owner occupied whereas apartments are for rent units.

Best planning practices would support locating higher density housing near where public transit facilities were available not only to provide housing options for those wanting to use the system, but to reduce the number of vehicle trips on public streets. There is bus service on Redwood Road and staff was of the opinion that higher density development can work, provided that any foreseeable impacts from differing land use densities could be adequately mitigated.

The density would be established as part of the Preliminary Development Plan review which would follow the rezoning process. Per City Code, section 13-5C-8, the density of the development would be determined based on the amenities provided such as detached garages, enhanced architectural features and recreational facilities.

Given that the proposed density was within the density range of the PRD (H) zoning district and within the density range of the Future Land Use Map and because the townhomes add to a more diverse housing mix, the proposed rezoning to PRD (H) was consistent with the purposes, goals and objectives and policies of the City's General Plan.



**Finding:** The proposed request to change the zoning map to PRD (H) as proposed is consistent with the purposes, goals, objectives and policies of the City's General Plan provided that the number of dwelling units is within the density range as set by the General Plan.

**Criteria 2:** *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

**Discussion:** Looking at the broader picture, the Future Land Use Map showed the adjoining property to the north and south as High Density Residential meaning that the proposed PRD (H) zoning was consistent with adjoining land uses to the north and south. The proposed zoning also provides buffering between the single-family dwellings to the east and impacts from Redwood Road. The proposed rezone would not adversely affect the storage units which were further to the north or the Aspen Pines apartments to the south which are designated as Very High Density Residential and were zoned R-3-20.

The concept plan showed 21 townhomes. Although this was not a subdivision approval request, the concept plan demonstrated that adequate buffering between uses could be provided to mitigate compatibility between this development and the adjoining property. If the property were developed as single-family residential in an R-1-8 zone, roughly 10-12 units could be built on the site.

**Finding:** The proposed zoning amendment would result in compatible land use relationships and does not adversely affect adjacent properties.

**Criteria 3:** *The proposed amendment furthers the public health, safety and general welfare of the citizens of the City.*

**Discussion:** Staff does not foresee any adverse impacts to public health, safety or general welfare of the citizens of the City resulting from the proposed PRD (H) zone.

**Finding:** The proposed zoning amendment would not be a detriment to the public health, safety and general welfare of the citizens of the City.

**Criteria 4:** *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

**Discussion:** The Engineering Division had determined there were adequate public facilities in the area. The applicant would need to provide for storm drainage, utilities and public streets during the subdivision review process and as required per City Code. The City will not require a traffic study; however, UDOT would require one since Redwood Road was a State road.

The Fire Department would inspect the subdivision plat once an application was made to determine serviceability based on specific design.

**Finding:** The proposed amendment would not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

**Criteria 5:** *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

**Discussion:** The property was in the Redwood Road Overlay District which would allow the applicant to convert the front building into a limited office or commercial use if all zoning requirements can be met. Rezoning the property to PRD (H) would not impact what can be developed in the Redwood Road Overlay District.

**Finding:** The proposed amendment was consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Per City Code, section 13-5C-1C, the intent of planned developments (PC or PRD) is to:

**Criteria 1:** *Create more attractive and more desirable environments in the city.*

**Discussion:** The proposed development would provide a more desirable environment in the City by providing a variety of housing options for people interested in living in the area. Another benefit would be that a long underutilized parcel of vacant in-fill land will be developed in a central portion of the City.

**Finding:** The proposed rezoning would create more attractive and more desirable environments in the City.

**Criteria 2:** *Allow a variety of uses and structures and to encourage imaginative concepts in the design of neighborhood housing and mixed use projects.*

**Discussion:** The proposed rezoning would allow for greater flexibility in land use and structure types than would generally be found in a typical single-family development. The concept plan showed town homes which were consistent with the adjoining property to the south. Although the properties to the north currently have single-family dwellings on them, it was likely that this area would develop as multi-family with offices along the frontage of Redwood Road in the future.

**Finding:** The proposed rezoning would allow a variety of uses and structures and to encourage imaginative concepts in the design of neighborhood housing and mixed use projects.

**Criteria 3:** *Provide flexibility in the location of buildings on the land.*

**Discussion:** The PRD (H) zoning allowed for greater flexibility in where buildings on the property could be located. Fifteen percent of the site must be maintained as open space. This flexibility should not impact existing residential developments in the area as buffering and open space requirements are more restrictive in this zone.

**Finding:** The proposed rezoning provided flexibility in the location of buildings on the land.

**Criteria 4:** *Facilitate and encourage social and community interaction and activity among those who live within a neighborhood.*

**Discussion:** The open spaces surrounding the building and proposed community garden would encourage interaction and activity among the residents within the development. PRD's were intended to be more communal in nature than standard single-family residential developments. The community garden should be relocated out of the detention basin due to the potential for soil contamination from streets and parking areas. All subdivision / site plan related issues will be dealt with in full at the time of review and examination of the site plan and subdivision applications.

**Finding:** The proposed rezone facilitates and encourages social and community interaction and activity among those who live within the neighborhood.

**Criteria 5:** *Encourage the creation of a distinctive visual character and identity for each planned development.*

**Discussion:** Although architecture and theme would be addressed through the subdivision and site plan review processes, the applicant had submitted colored architectural renderings illustrating the proposed townhomes which

were located in the Concept Development Plan provided as (Exhibit I) in the Council's agenda packet. All PRD developments were required to be reviewed by the City's Design Review Committee prior to a Preliminary Site Plan & Development Plan being approved. The applicant would be given a copy of the City's Design Guidelines Manual to assist in the future design, character, and architecture of the project.

**Finding:** Building architecture and theme would be addressed through the subdivision and site plan review processes.

**Criteria 6:** *Produce a balanced and coordinated mixture of uses and related public and private facilities.*

**Discussion:** This criterion was oriented toward large planned communities, not one of this size.

**Finding:** This criterion does not apply.

**Criteria 7:** *Encourage a broad range of housing types, including owner and renter occupied units, single-family detached dwellings and multiple-family structures, as well as other structural types.*

**Discussion:** This project was not a large scale development but does provide an alternative to detached single-family homes and apartments. If the City Council voted to approve the rezoning request, there were a number of ways to assure that the units remain owner occupied such as through a development agreement.

**Finding:** The proposed rezoning encouraged a broad range of housing types, including owner and renter occupied units, single-family detached dwellings and multiple-family structures, as well as other structural types.

**Criteria 8:** *Preserve and take the greatest possible aesthetic advantage of existing trees and other natural site features and, in order to do so, minimize the amount of grading necessary for construction of a development.*

**Discussion:** There were some trees along the south property line that should be kept if possible as they could serve as an aesthetic amenity for the development. This would be evaluated as part of the subdivision and site plan review process. The site was otherwise on level ground.

**Finding:** The proposed rezone preserves and takes the greatest possible aesthetic advantage of existing trees and other natural site features and, in order to do so, minimized the amount of grading necessary for construction of a development

**Criteria 9:** *Encourage and provide for open land for the general benefit of the community and public at large as places for recreation and social activity.*

**Discussion:** This was a relatively small development with 21 dwelling units. The open space surrounding the development would provide spaces for recreation and social activity. A community garden was also proposed within the development which would benefit the residents.

If the property were zoned R-3-8, which was considered High Density Residential, the number of units allowed would be similar to what was proposed, at around 21 or 22 dwelling units.

**Finding:** The proposed rezone encouraged and provided for open land for the general benefit of the community and public at large as places for recreation and social activity.

**Criteria 10:** *Achieve physical and aesthetic integration of uses and activities within each development.*

**Discussion:** Physical and aesthetic integration of uses and activities within the development would be provided with the coordinated architectural design of the buildings.

**Finding:** The proposed rezone achieved physical and aesthetic integration of uses and activities within the development.

**Criteria 11:** *Encourage and provide for development of comprehensive pedestrian circulation networks, separated from vehicular roadways in order to create linkages between residential areas, open spaces, recreational areas and public facilities, thereby minimizing reliance on the automobile as a means of transportation.*

**Discussion:** Sidewalks would be required throughout the development and would provide connections between the units and Redwood Road. Pedestrian separation and circulation would be adequate and in conformance with all code requirements.

**Finding:** The proposed rezone encouraged and provided for development of comprehensive pedestrian circulation networks, separated from vehicular roadways in order to create linkages between residential areas, open spaces, recreational areas and public facilities, thereby minimizing reliance on the automobile as a means of transportation.

**Criteria 12:** *Since many of the purposes for planned development zones can best be realized in large scale developments, development on a large, planned scale is encouraged.*

**Discussion:** The size of this PRD was limited by the property available, Staff believed that the proposed scale of the development would not be a detriment to the area and would have minimal impact to existing neighborhoods in the immediate area.

**Finding:** The size of this PRD is limited by the property available and the fact that all other adjoining property was developed.

**Criteria 13:** *Achieve safety, convenience and amenity for the residents of each planned residential development and the residents of neighboring areas.*

**Discussion:** Public health, safety and general welfare was discussed in Criteria 3 in the preceding section.

**Finding:** The proposed rezone achieves safety, convenience and amenity for the residents of the planned development and the residents of neighboring areas.

**Criteria 14:** *Assure compatibility and coordination of each development with existing and proposed surrounding land uses.*

**Discussion:** Neighborhood compatibility was discussed in Criteria 2 of the preceding section.

**Finding:** The proposed rezone assured compatibility and coordination of the development with existing and proposed surrounding land uses.

Staff believed that for the reasons stated in this report, this was an appropriate location for PRD(H) zoning and that all necessary submittal requirements for a zone change to a Planned Development zone had been met. During the public hearing for this item date April 23, a claim was made that the application for the rezone was “legally insufficient” and that the PRD criteria had not been met. The claims of a “legally insufficient” application were that, 1) the property owners did not sign the application as the Trustee; 2) a topographical map was not submitted with the concept plan; and, 3) a preliminary development schedule had not been submitted.

As per these arguments, the property owner, Aileen Steadman Smith, appeared at the public hearing and clarified that she and her sister signed as Trustees. A topographical map was included on the same page of the conceptual plan in enough detail to prove the site was primarily flat and that drainage would need to be installed to the east of the projects buildings. And finally, since the project would be constructed as a single-phase,

there would be no need for a preliminary development schedule. Relative to other arguments regarding criteria of the PRD zone, it should be understood that the intent of a planned development zone was to encourage competence in land use planning, and not to stifle growth if portions of the criterion cannot be met (i.e. the mixing of uses). The criteria set forth in Section 13-5C-1(C) was intended as to act as a guide, not an outright requirement for development(s) in a planned development zone. Section 13-5C-1(C) states:

*"It is the intent of the city that site and building plans for planned developments be prepared by a designer or team of designers having professional competence in urban planning, site planning, and architectural and landscape architectural design. However, it is not the city's intent that design control be so rigidly exercised that individual initiative is stifled or that substantial additional expense is incurred. Rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter."*

As the findings support the proposed rezoning request, staff does not foresee any concerns with rezoning the property PRD (H) (Planned Residential Development – High Density). Many issues related to design and layout could be addressed at the time of Site Plan, Subdivision and Development Plan submittal and review.

Staff recommended that the City Council rezone the property located at approximately 7292 South Redwood Road from R-1-8A (Single-Family Residential) to PRD(H) (Planned Residential Development – High Density). Staff also recommended that the City Council approve the Concept Development Plan showing 21 town homes and an existing single-family dwelling.

**MOTION: Councilmember McConnehey moved to suspend the rules and allow the developer the opportunity to speak. The motion was seconded by Councilmember Southworth and passed 7-0 in favor.**

Troy Ferran, applicant, expressed his appreciation to City staff for their assistance with this project. He asked the Council to have this project grandfathered-in, in regards to the moratorium on multi-family housing, otherwise he would withdraw and dismiss the project.

Councilmember Southworth questioned whether this was on the list to be grandfathered-in.

Robert Thorup reported that all of the pending projects were reviewed to see which had a completed application/site plan/subdivision/etc. in place. This was a rezone application and no project had been applied for.

Councilmember McConnehey asked if the City had a policy that would allow for a refund of fees that might have been paid in association with an item such as this, whereas had the

moratorium been in place earlier a different course of action might have been taken by the applicant.

Tom Burdett said in the past, if portions of the funds had not been used they could be refunded. Also, the City previously had a case where the City Council authorized a refund through a separate resolution.

Councilmember Stoker questioned why this project was not vested. He said this applicant had three pre-application meetings, a preliminary site plan, subdivision and development plan submittals, and plans in for review. He said there was also a project on 7800 South and Mountain View Corridor, which he felt could be vested.

Robert Thorup explained that those projects did not have application for a site plan or application for a subdivision filed with the City.

Troy Ferran addressed the time spent with staff on the site plan to reviewed the streets, setbacks, fire, etc., so that based on the rezone approval this project could move ahead quickly.

Jeff Robinson commented on the effective date of the moratorium Ordinance. He said if a completed application could be provided prior to the proposed Ordinance becoming effective, then the project would be grandfathered-in.

Councilmember Stoker felt the moratorium could be clarified.

Jeff Robinson suggested making the moratorium effective in 20-days, rather than midnight, and then a six-month date would follow. Once again, this meant that a completed application for the subdivision would need to be received prior to the enactment of the Ordinance.

Councilmember Stoker preferred allowing just the two developers with applications, rezone, and the land-use amendment process started considered as vested. He felt this would halt others from rushing to make a 20-day moratorium deadline.

Jeff Robinson voiced his concerns, if the Council were to consider something vested and they had not submitted an application for the subdivision, than others might also want to be considered.

Councilmember Southworth questioned whether the only item missing for this project was the subdivision application. He was told yes for this project.

Mayor Rolfe called a point of order. Councilmember Hansen had the floor.

Councilmember Hansen explained that the applicant was strictly requesting a rezone, although if the Council did not provided the 20-day allowance, then he might pull his



request for a rezone. She said the issue of not having the Ordinance take place for 20-days could create a frenzy of applications.

Jeff Robinson stated that currently the moratorium Ordinance would not be effective until posting or 20-days.

Councilmember Southworth asked staff the timeframe for a subdivision application.

Tom Burdett indicated that it took several weeks.

Troy Ferran indicated that he was close enough to complete an application in 20-days.

Councilmember McConnehey said this applicant was requesting approval of the Concept Development Plan and Rezone. He voiced his concerns regarding the road and development plan. He felt the proposed development plan did not meet the purpose of a PRD.

The Council commented on the following issues:

- Whether the PRD zoning would be appropriate
- Hammerhead road being a safety issue with only one access
- Public Safety issue
- Does not fit the vision of Redwood Road
- Future Land Use Map (High-density residential)

**MOTION: Councilmember Stoker moved to adopt Ordinance 14-14, rezoning the property located at approximately 7292 South Redwood Road, approximately 2.78 acres from R-1-8A (Single-Family Residential) to PRD(H) (Planned Residential Development – High Density). The motion was seconded by Councilmember Nichols**

Councilmember Haaga spoke against the motion.

Councilmember McConnehey spoke against the motion. He was sympathetic to the property owners, but was against the PRD zoning for this property.

Troy Ferran asked if the rezone passed would he have the 20-days to provide his application. The answer was yes.

Councilmember Nichols and Southworth spoke in favor of the motion.

Councilmember Haaga called the previous question.

A roll call vote was taken

**Councilmember Haaga**                      **No**

<b>Councilmember Hansen</b>	<b>No</b>
<b>Councilmember McConnehey</b>	<b>No</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>No</b>

The motion failed 3-4.

**DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 14-09, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE TITLE 13, TO ALLOW FOR RENEWABLE ENERGY SYSTEMS, ADDING DEFINITIONS, AND AMENDING THE USE CHARTS IN ALL DISTRICT TO REMOVE ACCESSORY USES AND CREATING A NEW ACCESSORY USE CHART, CITY-WIDE APPLICABILITY, CITY OF WEST JORDAN, APPLICANT**

Larry Gardner said the City Council held a Public Hearing on March 12, 2014 to amend the West Jordan 2009 City Code, Title 13, "Zoning" to allow for renewable energy systems; adding definitions, and amending the use charts in all zoning districts removing accessory uses and creating a new accessory use chart. At that meeting the Council directed staff to make the following changes:

- Proposed Section 13-8-22 (D)(2)(b)(1) which regulates how much solar mounted panels can be raised above the surface of the roof they are mounted on. The change will restrict those panels that are visible from the public right-of way, to being raised to an angle no greater than 5% from the surface they are on. If the panel is not visible from the public right-of way then the panel may be mounted up to 7 feet above the surface of the roof but shall still maintain one side of the panel within 12 inches of the surface of the roof.
- Proposed Section 13-8-22(D)(2)(b) which will allow solar panels to be extended to the peak of the roof they are mounted on.
- Proposed Section 13-8-22(C)(3)(c) and 4(c) which limits one roof mounted wind system per parcel in the R-1 zones.

The lighter shaded portions of the proposed changes to the legislative draft portion Exhibit B, in the Council's agenda packet did not change from the March 12, 2014 meeting. The darker shaded portions represented the changes requested by the Council.

Staff recommended that the City Council amend West Jordan 2009 City Code, Section 13-2-3 "Definitions;" create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts.

The Planning Commission, by unanimous vote, recommended that the City Council amend West Jordan 2009 City Code, Section 13-2-3 "Definitions;" create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts.

The Council and staff discussed clarifying questions.

**MOTION:** Councilmember Nichols moved to adopt Ordinance 14-09, amending West Jordan Municipal Code Section 13-2-3 Definitions; create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0

**DISCUSSION AND POSSIBLE ACTION REGARDING THE STATUS OF CITY COUNCIL MEMBERS AS EMPLOYEES OF THE CITY WITH W-2 TAX REPORTING, OR CONTRACTORS OF THE CITY WITH A 1099 TAX REPORTING**

This item was pulled from the agenda.

**MOTION:** Councilmember Stoker moved to bring Business Item 9h forward. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.

**RECONSIDERATION OF ORDINANCE 14-06, RATIFYING THE PLANNING COMMISSION APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN AND ESTABLISH RESIDENTIAL DENSITY OF 20.29 UNITS PER ACRE FOR THE STATION AT GARDNER MILL, FOR PROPERTY LOCATED AT 7659 SOUTH 1300 WEST, COLOSIMO BROTHERS, APPLICANT**

Councilmember Southworth asked Council if there were any questions prior to this reconsideration.

Councilmember Haaga reviewed the Council Rules and Procedures to make sure that they were being followed.

Councilmember McConnehey reported that previously the majority of the Council felt that the following criteria(s) had not been met:

- Criteria Two
- Criteria Five
- Criteria Six
- Criteria Seven
- Criteria Eleven

He believed this item should not be reconsidered.

Councilmember Southworth stated that based on the comments made, he withdrew his reconsideration of the item from the agenda.

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-90, ADOPTING THE TENTATIVE BUDGETS FOR THE GENERAL FUND, THE SPECIAL REVENUE FUNDS, THE CAPITAL PROJECTS FUND, THE WATER FUND, THE SEWER FUND, THE SOLID WASTE FUND, AND THE INTERNAL SERVICE FUNDS FOR FISCAL YEAR 2014-2015, AND SETTING JUNE 11, 2014, AS THE BUDGET PUBLIC HEARING**

Bryce Haderlie said according to State Law, "Each tentative budget shall be reviewed, considered, and tentatively adopted by the governing body in any regular meeting or special meeting called for the purpose and may be amended or revised in such manner as is considered advisable prior to public hearings, except that no appropriation required for debt retirement and interest or reduction of any existing deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be reduced" UCA 10-6-111.

The City Manager had delivered the proposed budgets for the General Fund to the City Council on April 10, 2014 and delivered the proposed budgets for the other funds to the City Council on or before May 12, 2014. The budgets can be reviewed, discussed, and amended as necessary up through the public hearing and final adoption, currently scheduled for June 11, 2014.

Note that the capital projects budgets in the Road Capital Fund, Parks Capital Fund, Water Fund, Sewer Fund, and Stormwater Fund are in a work-in-process status at the time of printing of this document and are shown in this resolution at the most-current iteration. These capital budgets will be formally presented to the governing body as soon as completed and accordingly revised prior to adoption of the final budgets in June.

Staff reported that the total budget for these funds was \$109,339,955.

Staff recommended approval of Resolution 14-90, adopting the Fiscal Year 2014-2015 Tentative Budgets for the General Fund, the Special Revenue Funds, the Capital Projects Funds, the Enterprise Funds, and the Internal Service Funds and scheduling a public hearing on the Tentative Budgets for June 11, 2014 in the City Council Chambers.

Councilmember Stoker asked for clarification regarding the anticipated revenues for FY 2013-2014.

Ryan Bradshaw stated that the anticipated revenues for the current fiscal year were \$49.8 million, and it was estimated that the final amount would be \$50.8 million. This would provide a surplus of approximately \$1.1 million for the year.

Councilmember Stoker asked if it was anticipated that the revenues for FY 2014-2015 would remain the same.

Ryan Bradshaw stated staff had been a little more aggressive in the proposed estimates; however, the City should see approximately 3-4% increase for the upcoming fiscal year.

Bryce Haderlie stated information was provided to the Council that was referred to the General Fund Summary. One confusion with the information may be that the adjusted budget for FY 2013-2014 identifies 'contributions' (use of reserve of \$4.2 million), and then the Tentative Budget continued the use of reserves of \$2 million. For this year, those were unspent wages that were budgeted and not spent.

Ryan Bradshaw stated it was not revenue; it was technically using Fund Balance.

Councilmember Stoker asked what the projected revenue was for FY 2014-2015.

Ryan Bradshaw stated if you remove the \$2.2 million, they were anticipating approximately \$50.5 General Fund. The Council must also realize that they would have to use some of the revenue funds for the Fire Station. Staff anticipated the FY 2014-2015 revenues to be very close to what they were for FY 2013-2014 in some of the areas. This was dependent on the C Road Funds, as well other issues. Staff did not see a significant increase in revenue for FY 2014-2015.

Councilmember Stoker clarified that the Tentative Budget was \$52.7 million in the General Fund, meaning the \$2.2 million would be from reserves.

Ryan Bradshaw indicated that was correct. There was a onetime expenditure of \$1 million, and also anticipated \$1 million in employee turnover savings, and using reserves for onetime expenses.

Councilmember Stoker asked if there was a lot of capacity in ongoing revenues verses expenditures.

Ryan Bradshaw stated yes.

Councilmember Haaga addressed the loan to the Stormwater Fund of \$2 million from the General Fund. He proposed using the Debt Service Fund for next year of \$225,000, and appropriate that towards the Fire/Police Station.

Ryan Bradshaw stated that was a Sales Tax Bond, with sales tax monies were already appropriated towards that. This would do the same thing; we would just bring back in sales tax money if this was appropriated.

Councilmember Haaga clarified that this was already funded in the Budget?

Ryan Bradshaw stated yes.

Councilmember Haaga stated he had additional questions regarding the Capital; however they could wait until tomorrow.

**MOTION: Councilmember Nichols moved to approve Resolution 14-90, adopting the Fiscal Year 2014-2015 Tentative Budgets for the General Fund, the Special Revenue Funds, the Capital Projects Funds, the Enterprise Funds, and the Internal Service Funds and scheduling a public hearing on the Tentative Budgets for June 11, 2014 in the City Council Chambers. The motion was seconded by Councilmember Stoker.**

Mayor Rolfe stated he would not be in attendance at the workshop the following night. He stated the Council had transferred \$2 million from the General Fund to the Stormwater fund; the City's Fund Balance was at the maximum Fund Balance allowed by State Law; the Council transferred \$970,000 right before he took office, and the Fund Balance was currently \$1.6 over the State allowed maximum with two months to go. He asked the Council to bear this in mind when they consider the utility rates that night. He asked for information regarding the total balances of all Capital Project Funds, and what may be the total expected year end fund, without the budget adjustments that had been made during the current fiscal year.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0**

**X. REMARKS**

There were no additional remarks.

***XI. ADJOURN***

**MOTION:** Councilmember Nichols moved to adjourn. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.

The meeting adjourned at 10:14 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

**KIM V ROLFE**  
Mayor

**ATTEST:**

**MELANIE S BRIGGS, MMC**  
City Clerk

Approved this 11<sup>th</sup> day of June 2014

**MINUTES OF THE CITY OF WEST JORDAN  
CITY COUNCIL BUDGET WORKSHOP**

**Wednesday, June 4, 2014**

**6:00 p.m.**

**Community Room  
8000 South Redwood Road  
West Jordan, Utah 84088**

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**COUNCIL:** Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, and Chris McConnehey. Council Member Chad Nichols arrived at 6:08 p.m. Council Members Ben Southworth and Justin D. Stoker were excused.

**STAFF:** Richard L. Davis, City Manager; Bryce Haderlie, Assistant City Manager; Jeff Robinson, City Attorney; Marc McElreath, Fire Chief; Ron Kunz, Justice Court Judge; Wendell Rigby, Public Works Director; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager; Reed Scharman, Deputy Fire Chief; Kyle Shepherd, Deputy Police Chief; Richard Davis, Deputy Police Chief; Bryan Grump, Battalion Chief; Joe Terry, Fire Captain; Eric Okerlund, Budget Officer; Dave Murphy, Capital Facility Manager; Steve Glain, Assistant to the City Manager, and Tim Peters, Public Utilities Manager.

**I. CALL TO ORDER**

Mayor Rolfe called the workshop to order at 6:05 p.m.

Mayor Rolfe indicated the Western Stampede Committee requested using old railroad plates that were previously used for the Sugar Factory facility. They would paint them red, white, and blue and place them below the Chutes in the Rodeo Arena.

The Council was in agreement, with the exception that the items be approved as surplus on June 11.

Councilmember Nichols arrived at 6:08 p.m.

**II. BUSINESS ITEMS**

**DISCUSSION AND POSSIBLE ACTION REGARDING THE TENTATIVE  
BUDGET FOR FY 2014-2015**

**SECTION 1**

Review and Discussion of Staff Supplemental Requests (2 pages, also called Green Sheets, Full description of each project was emailed to the Council by Ryan Bradshaw on 5/8/14 at 2:32 p.m.)- These expenses are included in the tentative budget passed 5/14/14 (with these modifications: "*Add one Civil Engineer*" increased from \$60,000 to \$77,276



to include overhead and office set-up, 2. Removed-“**Remodel and enlarge Entry to Finance Office**” and “**Parade Float**”<sup>1</sup> removed per Council direction).

- Is it still Council consensus to include these items in the proposed budget?
- Are any changes needed?

The Council agreed to all proposed items in Section 1.

## **SECTION 2**

Review and Discussion of **Council Initiatives** (1 page) - These expenses are included in the tentative budget passed 5/14/14.

- Is it still Council consensus to include these items in the proposed budget?
- Are any changes needed?

The Council agreed to all proposed items in Section 2.

## **SECTION 3**

Review and Discussion of **Council Initiatives-New** (1 page)- These items have been recommended by the City Manager or members of the City Council subsequent to the 5/14/14 approval of the Tentative Budget and as such have not been included in the budget at this point.

- Are there any questions or comments on the proposed items?
- Is it Council consensus to include/remove the \$50,000 from Staff Supplemental Requests (item 9) or add it to the proposed \$500,000 found on this sheet?
  - i. The proposed compensation changes will be brought back to Council for approval before the wages are modified for any employee or dept.
  - ii. The proposed changes will address the following issues that have been discussed by the Council in the past (see the Example for the Police Dept. Rick Davis, City Manager supports recommendation F. However, staff is not looking for approval at this time.):
    1. Rank Compression- Eleven supervisors are currently making less than subordinates that they supervise.
    2. Seniority Compression- Where employees hired in different years are being paid the same or nearly the same wage. This makes hiring and paying new employees with previous experience difficult because the incumbent pay may exceed the salary of current employees with similar experience. This was addressed in the 2013-14 budget with 1% given to police and fire depts.
    3. Hazard Pay- For hazardous duties such as the SWAT team.
    4. Lifting Career Caps- Some department have employees that have attained a level of education and proficiency to be

moved to the next designation but have not been elevated (Officer I, II, III, or Water Operator I, II, III). It is proposed to evaluate quotes in these departments and pay employees as they meet these milestones for the contribution that they make to the department.

- Is it Council consensus to include these items in the proposed budget?
- Are any changes needed?

The Council discussed the options for the pay compression. They wanted to have clear reason why an employee would receive an increase for knowledge, experience, not just because of a supervisor role, or even have a subordinate.

The Council and staff discussed the current status of the employee salary structure. They discussed options of how to create a fair compensation plan. The Council agreed to the following criteria:

- Look at each department separately and make sure they are all considered in the process
- Begin the process gradually
- Plan B for the Police Department, with a possible plan for each Department
- \$50,000 would be used for an outside consultant to establish a sustainable plan for employee compensation.
- \$500,000 would be used to address the compensation City-wide
- Possibly reestablish an education reimbursement program

The Council agreed with the following:

- \$500,000 along with previously approved \$50,000 for employee compensation
- They agreed with the other four items in Section 3

#### **SECTION 4**

Review and Discussion of **Revenue Projections** (1 page) - These are proposals to increase revenue projections from prior budgets based on a re-evaluation of the current income levels. Please keep in mind that \$1.2 million dollars of salary savings has been included in the proposed budget passed 5/14/14.

- Is it Council consensus to include these items in the proposed budget?
- Are any changes needed?

The Council was in agreement to leave the anticipated sales tax at 4%.

The Council was in agreement to leave the Personal Property Tax as proposed. Mayor Rolfe stated that he felt strongly that this amount would double during FY 2014-2015.

Judge Kunz stated with the recent Legislation that went into effect May 12, every fine or forfeiture would increase by \$30.00; therefore, the total revenue would increase.

The Council was in agreement to leave the Fines and Forfeitures as proposed.

### **SECTION 5**

Review and Discussion of 2014-15 projects with funding from the **2013-14 General Fund Budget Amendment**. For this part of the discussion, staff only desires to know if the Council wants to include these projects in the proposed budget. For the sake of time, staff recommends bringing each item up in a future council meeting to discuss the funding options and time for beginning the project.

- |  |                             |
|--|-----------------------------|
| • Street Lighting Project-   | Yes/No/Modify               |
| • Increase to Station 54 Project-mtg.                                  | Approved at 5/21/14 council |
| • Park Irrigation System-  | Yes/No/Modify               |
| • Fleet Fund Purchase-   | Yes/No/Modify               |
| • Fleet Facility Design and Construction                               | Yes/No/Modify               |
| (Fleet Facility Design is included in the Fleet Fund Budget \$240,000) |                             |

The Council was in agreement to have each project continued and discussed during FY 2014-2015

### **SECTION 6**

Reduce 2013-14 fund balance to State limit of 25% or less. The City Manager recommends allocating at least \$2,164,109 of the anticipated 2013-14 fund balance toward these one-time projects to ensure that the fund balance is less than the 25% limit.

The Council and staff discussed at length the options for establishing the LED Lighting Project. They agreed that it would be beneficial to consider bonding for the project.

Mayor Rolfe felt strongly that the City should always be below the allowed 25% Fund Balance at the end of each fiscal year.

The Council agreed to allocate the anticipated increase in FY 2013-2014 Fund Balance as follows:

- |                                   |             |             |
|-----------------------------------|-------------|-------------|
| • Street Lighting Project-        | \$1,000,000 | \$1,000,000 |
| • Increase to Station 54 Project- | \$165,000   | \$165,000   |
| • Park Irrigation System-         | \$1,500,000 | \$1,500,000 |
| • Fleet Fund Purchase-            | \$1,500,000 | \$1,500,00  |

Mayor Rolfe felt that the Fund Balance should always remain between 20% - 24% as a maximum. He indicated that Councilmember Stoker (in his email) had stated to him that he preferred no lower than 20%.

Councilmember Haaga agreed with Mayor Rolfe and Councilmember Stoker.

Councilmember Nichols felt that the City should reserve as much cash as possible. He was in agreement with Mayor Rolfe to have the Fund Balance 20% to 24%.

#### **SECTION 7**

Review and Discussion of General Fund Summary sheet (not included). Staff is preparing this sheet and it is anticipated that it will be handed out during this part of the agenda if it is not available sooner. It will summarize the Revenues, Expenses, and Additional Information related to balancing the budget.

Councilmember McConnehey requested the Arts Council receive an increase to their budget for FY 2014-2015 with the remaining funds from the current Fiscal Year. The Council agreed to his proposal.

The Council and staff reviewed the 'draft' General Fund Summary that would be used to adopt the Final Budget for Fiscal Year 2014-2015.

#### **SECTION 8**

Review and Discussion of Staff Supplemental Requests-Enterprise Funds (Full description of each project was emailed to the Council by Ryan Bradshaw on 5/8/14 at 2:32 p.m.). This time is set aside to discuss proposed expenditures any modifications to the utility rates to fund capital projects in the 2014-15 budget.

- a. Is it Council consensus to include these items in the proposed budget?
- b. What rate modification is needed to accomplish this?
- c. Is there Council consensus to set a new rate?

The Council agreed to all of the proposals in Section 8.

Richard Davis discussed the proposed utility fees. He felt the only utility rate that must be addressed would be Stormwater.

Dave Murphy addressed the need for Stormwater Capital Facility Improvements.

Mayor Rolfe felt there should be an immediate transfer from the Solid Waste Fund Balance of \$4 million to the Stormwater Fund Balance to pay for the Constitution Park project. He stated strongly that he was not in favor of increasing any utility fee.

Councilmember Haaga addressed the transfer station that had been discussed in the past. The TransJordan Landfill currently had \$15 million in their fund for the construction of the transfer station. He was in agreement with the Mayor to transfer the proposed amount from the Solid Waste to the Stormwater. He also agreed that utility fees should not be increased.

He also felt the Council must analyze the current Impact Fees specifically the Stormwater.

Councilmember Nichols was against transferring the funds from the Solid Waste to the Stormwater Enterprise. He would prefer to completely remove the solid waste fee for a time, and provide a Solid Waste rebate.

Councilmember McConnehey agreed that there was unfairness with collecting the extra funds in the Solid Waste Enterprise Fund. He understood transferring the money from Solid Waste to the Stormwater would benefit all existing residents. He was not in favor of increasing any utility fees if the City had surplus monies.

Councilmember Hansen agreed that the utility fees should not be increased, as well as transferring the \$5 million from the Solid Waste Fund Balance to the Stormwater Fund Balance to take care of Capital Projects.

***OTHER ITEM***

Councilmember McConnehey addressed the issue of other activities scheduled during Council meetings and the distraction they create. He recommended that those activities are no longer allowed to be scheduled during those evenings.

The Council was in agreement to no longer allow scheduled activities during these times.

***VIII. ADJOURN***

The meeting adjourned at 8:30 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

**KIM V. ROLFE**  
**Mayor**

**ATTEST:**

**MELANIE S. BRIGGS, MMC**  
**City Clerk**

Approved this 11<sup>th</sup> day June of 2014